

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by
5 changing Section 3-3-7 as follows:

6 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

7 (Text of Section after amendment by P.A. 95-983)

8 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
9 Release.

10 (a) The conditions of parole or mandatory supervised
11 release shall be such as the Prisoner Review Board deems
12 necessary to assist the subject in leading a law-abiding life.
13 The conditions of every parole and mandatory supervised release
14 are that the subject:

15 (1) not violate any criminal statute of any
16 jurisdiction during the parole or release term;

17 (2) refrain from possessing a firearm or other
18 dangerous weapon;

19 (3) report to an agent of the Department of
20 Corrections;

21 (4) permit the agent to visit him or her at his or her
22 home, employment, or elsewhere to the extent necessary for
23 the agent to discharge his or her duties;

1 (5) attend or reside in a facility established for the
2 instruction or residence of persons on parole or mandatory
3 supervised release;

4 (6) secure permission before visiting or writing a
5 committed person in an Illinois Department of Corrections
6 facility;

7 (7) report all arrests to an agent of the Department of
8 Corrections as soon as permitted by the arresting authority
9 but in no event later than 24 hours after release from
10 custody;

11 (7.5) if convicted of a sex offense as defined in the
12 Sex Offender Management Board Act, the individual shall
13 undergo and successfully complete sex offender treatment
14 conducted in conformance with the standards developed by
15 the Sex Offender Management Board Act by a treatment
16 provider approved by the Board;

17 (7.6) if convicted of a sex offense as defined in the
18 Sex Offender Management Board Act, refrain from residing at
19 the same address or in the same condominium unit or
20 apartment unit or in the same condominium complex or
21 apartment complex with another person he or she knows or
22 reasonably should know is a convicted sex offender or has
23 been placed on supervision for a sex offense; the
24 provisions of this paragraph do not apply to a person
25 convicted of a sex offense who is placed in a Department of
26 Corrections licensed transitional housing facility for sex

1 offenders, or is in any facility operated or licensed by
2 the Department of Children and Family Services or by the
3 Department of Human Services, or is in any licensed medical
4 facility;

5 (7.7) if convicted for an offense that would qualify
6 the accused as a sexual predator under the Sex Offender
7 Registration Act on or after the effective date of this
8 amendatory Act of the 94th General Assembly, wear an
9 approved electronic monitoring device as defined in
10 Section 5-8A-2 for the duration of the person's parole,
11 mandatory supervised release term, or extended mandatory
12 supervised release term and if convicted for an offense of
13 criminal sexual assault, aggravated criminal sexual
14 assault, predatory criminal sexual assault of a child,
15 criminal sexual abuse, aggravated criminal sexual abuse,
16 or ritualized abuse of a child committed on or after the
17 effective date of this amendatory Act of the 96th General
18 Assembly when the victim was under 18 years of age at the
19 time of the commission of the offense and the defendant
20 used force or the threat of force in the commission of the
21 offense wear an approved electronic monitoring device as
22 defined in Section 5-8A-2 that has Global Positioning
23 System (GPS) capability for the duration of the person's
24 parole, mandatory supervised release term, or extended
25 mandatory supervised release term;

26 (7.8) if convicted for an offense committed on or after

1 the effective date of this amendatory Act of the 95th
2 General Assembly that would qualify the accused as a child
3 sex offender as defined in Section 11-9.3 or 11-9.4 of the
4 Criminal Code of 1961, refrain from communicating with or
5 contacting, by means of the Internet, a person who is not
6 related to the accused and whom the accused reasonably
7 believes to be under 18 years of age; for purposes of this
8 paragraph (7.8), "Internet" has the meaning ascribed to it
9 in Section 16J-5 of the Criminal Code of 1961; and a person
10 is not related to the accused if the person is not: (i) the
11 spouse, brother, or sister of the accused; (ii) a
12 descendant of the accused; (iii) a first or second cousin
13 of the accused; or (iv) a step-child or adopted child of
14 the accused;

15 (7.9) if convicted under Section 11-6, 11-20.1,
16 11-20.3, or 11-21 of the Criminal Code of 1961, consent to
17 search of computers, PDAs, cellular phones, and other
18 devices under his or her control that are capable of
19 accessing the Internet or storing electronic files, in
20 order to confirm Internet protocol addresses reported in
21 accordance with the Sex Offender Registration Act and
22 compliance with conditions in this Act;

23 (7.10) if convicted for an offense that would qualify
24 the accused as a sex offender or sexual predator under the
25 Sex Offender Registration Act on or after the effective
26 date of this amendatory Act of the 95th General Assembly,

1 not possess prescription drugs for erectile dysfunction;

2 (7.11) if convicted for an offense under Section 11-6,
3 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal
4 Code of 1961, or any attempt to commit any of these
5 offenses, committed on or after June 1, 2009 (the effective
6 date of Public Act 95-983) ~~this amendatory Act of the 95th~~
7 ~~General Assembly~~:

8 (i) not access or use a computer or any other
9 device with Internet capability without the prior
10 written approval of the Department;

11 (ii) submit to periodic unannounced examinations
12 of the offender's computer or any other device with
13 Internet capability by the offender's supervising
14 agent, a law enforcement officer, or assigned computer
15 or information technology specialist, including the
16 retrieval and copying of all data from the computer or
17 device and any internal or external peripherals and
18 removal of such information, equipment, or device to
19 conduct a more thorough inspection;

20 (iii) submit to the installation on the offender's
21 computer or device with Internet capability, at the
22 offender's expense, of one or more hardware or software
23 systems to monitor the Internet use; and

24 (iv) submit to any other appropriate restrictions
25 concerning the offender's use of or access to a
26 computer or any other device with Internet capability

1 imposed by the Board, the Department or the offender's
2 supervising agent;

3 (8) obtain permission of an agent of the Department of
4 Corrections before leaving the State of Illinois;

5 (9) obtain permission of an agent of the Department of
6 Corrections before changing his or her residence or
7 employment;

8 (10) consent to a search of his or her person,
9 property, or residence under his or her control;

10 (11) refrain from the use or possession of narcotics or
11 other controlled substances in any form, or both, or any
12 paraphernalia related to those substances and submit to a
13 urinalysis test as instructed by a parole agent of the
14 Department of Corrections;

15 (12) not frequent places where controlled substances
16 are illegally sold, used, distributed, or administered;

17 (13) not knowingly associate with other persons on
18 parole or mandatory supervised release without prior
19 written permission of his or her parole agent and not
20 associate with persons who are members of an organized gang
21 as that term is defined in the Illinois Streetgang
22 Terrorism Omnibus Prevention Act;

23 (14) provide true and accurate information, as it
24 relates to his or her adjustment in the community while on
25 parole or mandatory supervised release or to his or her
26 conduct while incarcerated, in response to inquiries by his

1 or her parole agent or of the Department of Corrections;

2 (15) follow any specific instructions provided by the
3 parole agent that are consistent with furthering
4 conditions set and approved by the Prisoner Review Board or
5 by law, exclusive of placement on electronic detention, to
6 achieve the goals and objectives of his or her parole or
7 mandatory supervised release or to protect the public.
8 These instructions by the parole agent may be modified at
9 any time, as the agent deems appropriate;

10 (16) if convicted of a sex offense as defined in
11 subsection (a-5) of Section 3-1-2 of this Code, unless the
12 offender is a parent or guardian of the person under 18
13 years of age present in the home and no non-familial minors
14 are present, not participate in a holiday event involving
15 children under 18 years of age, such as distributing candy
16 or other items to children on Halloween, wearing a Santa
17 Claus costume on or preceding Christmas, being employed as
18 a department store Santa Claus, or wearing an Easter Bunny
19 costume on or preceding Easter; and

20 (17) if convicted of a violation of an order of
21 protection under Section 12-30 of the Criminal Code of
22 1961, be placed under electronic surveillance as provided
23 in Section 5-8A-7 of this Code.

24 (b) The Board may in addition to other conditions require
25 that the subject:

26 (1) work or pursue a course of study or vocational

1 training;

2 (2) undergo medical or psychiatric treatment, or
3 treatment for drug addiction or alcoholism;

4 (3) attend or reside in a facility established for the
5 instruction or residence of persons on probation or parole;

6 (4) support his dependents;

7 (5) (blank);

8 (6) (blank);

9 (7) comply with the terms and conditions of an order of
10 protection issued pursuant to the Illinois Domestic
11 Violence Act of 1986, enacted by the 84th General Assembly,
12 or an order of protection issued by the court of another
13 state, tribe, or United States territory;

14 (7.5) if convicted for an offense committed on or after
15 the effective date of this amendatory Act of the 95th
16 General Assembly that would qualify the accused as a child
17 sex offender as defined in Section 11-9.3 or 11-9.4 of the
18 Criminal Code of 1961, refrain from communicating with or
19 contacting, by means of the Internet, a person who is
20 related to the accused and whom the accused reasonably
21 believes to be under 18 years of age; for purposes of this
22 paragraph (7.5), "Internet" has the meaning ascribed to it
23 in Section 16J-5 of the Criminal Code of 1961; and a person
24 is related to the accused if the person is: (i) the spouse,
25 brother, or sister of the accused; (ii) a descendant of the
26 accused; (iii) a first or second cousin of the accused; or

1 (iv) a step-child or adopted child of the accused;

2 (7.6) if convicted for an offense committed on or after
3 June 1, 2009 (the effective date of Public Act 95-983) ~~this~~
4 ~~amendatory Act of the 95th General Assembly~~ that would
5 qualify as a sex offense as defined in the Sex Offender
6 Registration Act:

7 (i) not access or use a computer or any other
8 device with Internet capability without the prior
9 written approval of the Department;

10 (ii) submit to periodic unannounced examinations
11 of the offender's computer or any other device with
12 Internet capability by the offender's supervising
13 agent, a law enforcement officer, or assigned computer
14 or information technology specialist, including the
15 retrieval and copying of all data from the computer or
16 device and any internal or external peripherals and
17 removal of such information, equipment, or device to
18 conduct a more thorough inspection;

19 (iii) submit to the installation on the offender's
20 computer or device with Internet capability, at the
21 offender's expense, of one or more hardware or software
22 systems to monitor the Internet use; and

23 (iv) submit to any other appropriate restrictions
24 concerning the offender's use of or access to a
25 computer or any other device with Internet capability
26 imposed by the Board, the Department or the offender's

1 supervising agent; and
2 (8) in addition, if a minor:
3 (i) reside with his parents or in a foster home;
4 (ii) attend school;
5 (iii) attend a non-residential program for youth;
6 or
7 (iv) contribute to his own support at home or in a
8 foster home.

9 (b-1) In addition to the conditions set forth in
10 subsections (a) and (b), persons required to register as sex
11 offenders pursuant to the Sex Offender Registration Act, upon
12 release from the custody of the Illinois Department of
13 Corrections, may be required by the Board to comply with the
14 following specific conditions of release:

- 15 (1) reside only at a Department approved location;
16 (2) comply with all requirements of the Sex Offender
17 Registration Act;
18 (3) notify third parties of the risks that may be
19 occasioned by his or her criminal record;
20 (4) obtain the approval of an agent of the Department
21 of Corrections prior to accepting employment or pursuing a
22 course of study or vocational training and notify the
23 Department prior to any change in employment, study, or
24 training;
25 (5) not be employed or participate in any volunteer
26 activity that involves contact with children, except under

1 circumstances approved in advance and in writing by an
2 agent of the Department of Corrections;

3 (6) be electronically monitored for a minimum of 12
4 months from the date of release as determined by the Board;

5 (7) refrain from entering into a designated geographic
6 area except upon terms approved in advance by an agent of
7 the Department of Corrections. The terms may include
8 consideration of the purpose of the entry, the time of day,
9 and others accompanying the person;

10 (8) refrain from having any contact, including written
11 or oral communications, directly or indirectly, personally
12 or by telephone, letter, or through a third party with
13 certain specified persons including, but not limited to,
14 the victim or the victim's family without the prior written
15 approval of an agent of the Department of Corrections;

16 (9) refrain from all contact, directly or indirectly,
17 personally, by telephone, letter, or through a third party,
18 with minor children without prior identification and
19 approval of an agent of the Department of Corrections;

20 (10) neither possess or have under his or her control
21 any material that is sexually oriented, sexually
22 stimulating, or that shows male or female sex organs or any
23 pictures depicting children under 18 years of age nude or
24 any written or audio material describing sexual
25 intercourse or that depicts or alludes to sexual activity,
26 including but not limited to visual, auditory, telephonic,

1 or electronic media, or any matter obtained through access
2 to any computer or material linked to computer access use;

3 (11) not patronize any business providing sexually
4 stimulating or sexually oriented entertainment nor utilize
5 "900" or adult telephone numbers;

6 (12) not reside near, visit, or be in or about parks,
7 schools, day care centers, swimming pools, beaches,
8 theaters, or any other places where minor children
9 congregate without advance approval of an agent of the
10 Department of Corrections and immediately report any
11 incidental contact with minor children to the Department;

12 (13) not possess or have under his or her control
13 certain specified items of contraband related to the
14 incidence of sexually offending as determined by an agent
15 of the Department of Corrections;

16 (14) may be required to provide a written daily log of
17 activities if directed by an agent of the Department of
18 Corrections;

19 (15) comply with all other special conditions that the
20 Department may impose that restrict the person from
21 high-risk situations and limit access to potential
22 victims;

23 (16) take an annual polygraph exam;

24 (17) maintain a log of his or her travel; or

25 (18) obtain prior approval of his or her parole officer
26 before driving alone in a motor vehicle.

1 (c) The conditions under which the parole or mandatory
2 supervised release is to be served shall be communicated to the
3 person in writing prior to his release, and he shall sign the
4 same before release. A signed copy of these conditions,
5 including a copy of an order of protection where one had been
6 issued by the criminal court, shall be retained by the person
7 and another copy forwarded to the officer in charge of his
8 supervision.

9 (d) After a hearing under Section 3-3-9, the Prisoner
10 Review Board may modify or enlarge the conditions of parole or
11 mandatory supervised release.

12 (e) The Department shall inform all offenders committed to
13 the Department of the optional services available to them upon
14 release and shall assist inmates in availing themselves of such
15 optional services upon their release on a voluntary basis.

16 (f) When the subject is in compliance with all conditions
17 of his or her parole or mandatory supervised release, the
18 subject shall receive a reduction of the period of his or her
19 parole or mandatory supervised release of 90 days upon passage
20 of the high school level Test of General Educational
21 Development during the period of his or her parole or mandatory
22 supervised release. This reduction in the period of a subject's
23 term of parole or mandatory supervised release shall be
24 available only to subjects who have not previously earned a
25 high school diploma or who have not previously passed the high
26 school level Test of General Educational Development.

1 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
2 94-988, eff. 1-1-07; 95-464, eff. 6-1-08; 95-539, eff. 1-1-08;
3 95-579, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;
4 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; revised 10-20-08.)

5 Section 99. Effective date. This Act takes effect June 1,
6 2009.